



Procedure § 2682 (3d ed. 2007). Moreover, the entry of default against Defendant Mortgage Electronic Registration Systems, Inc. would be improper as it filed a Motion to Dismiss pursuant to Rule 12 in lieu of filing an answer. If the Court denies the pending Motions to Dismiss, then Defendants will then be required to file and serve an Answer.

Finally, although Defendant Mid Atlantic Financial Services Inc. has not answered or otherwise responded to the Complaint, Plaintiffs must first file a motion requesting that the Clerk enter default pursuant to Rule 55(a) prior to moving for the entry of default judgment. Plaintiffs' motion must set forth by affidavit or otherwise that service was perfected on Defendant Mid Atlantic Financial Services Inc. in a manner allowable under Rule 4 of the Federal Rules of Civil Procedure. Once Plaintiffs makes this showing and the Clerk enters default against Defendant Mid Atlantic Financial Services Inc., Plaintiffs may then file a motion and brief in support demonstrating that the entry of default judgment is appropriate pursuant to Rule 55(b). Accordingly, the Court **DENIES without prejudice** Plaintiffs' motions.

## **II. Conclusion**

The Court **DENIES without prejudice** the Motions for Default Judgment [# 15 & # 28].

Signed: July 24, 2012

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Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

